

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit:
	)	
BOCK, et al.	)	Examiner:
	)	
Appln. No.: 10/574,084	)	Washington, D.C.
	)	
Filed: March 30, 2006	)	May 15, 2007
	)	
For: A METHOD OF MODULATING	)	Docket No.: BOCK=9
CELL SURVIVAL,	)	
DIFFERENTIATION AND/OR...)	)	Confirmation No.: 3782

RESPONSE TO "SEQUENCE LISTING" REQUIREMENT

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Missing Parts  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In response to the Notification of Missing Requirements...  
mailed March 15, 2007, please enter the following remarks and the  
enclosed CRF.

**Remarks** begin on page 2 of this paper.

REMARKS

1. Applicants hereby submit the following:
  - [ ] a paper copy of a "Sequence Listing", complying with §1.821(c), to be incorporated into the specification as directed above;
  - [ ] an amendment to the paper copy of the "Sequence Listing" submitted on , the amendment being in the form of substitute sheets;
  - [XX] the Sequence Listing in computer readable form, complying with §1.821(e) and §1.824, including, if an amendment to the paper copy is submitted, all previously submitted data with the amendment incorporated therein;
  - [ ] a substitute computer readable form to replace one found to be damaged or unreadable.
2. The description is believed to be in compliance with §1.821(d).
3. The undersigned attorney or agent hereby states as follows:
  - (a) this submission does not include new matter [§1.821(g)];
  - (b) the contents of the paper copy (as amended, if applicable) and the computer readable form of the Sequence Listing, are the same [§1.821(f) and §1.825(b)];
  - (c) if the paper copy has been amended, the amendment is supported by the specification and does not include new matter [§1.825(a)]; and
  - (d) if the computer readable form submitted herewith is

a substitute for a form found upon receipt by the PTO to be damaged or unreadable, that the substitute data is identical to that originally filed [§1.825(d)].

4. Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence). Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an intron-containing gene, or

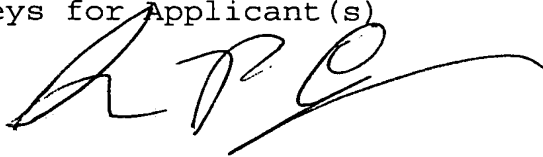
USSN - 10/574,084

otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the results of his or her sequence search against a database containing known natural sequences.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

A handwritten signature in black ink, appearing to read 'I.P. Cooper', written over a horizontal line.

By: \_\_\_\_\_  
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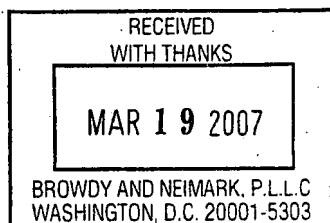
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H01B

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO. 10/574,084	FIRST NAMED APPLICANT Elisabeth BOCK	ATTY. DOCKET NO. BOCK9
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1444  
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INTERNATIONAL APPLICATION NO. PCT/DK04/00659	
I.A. FILING DATE 09/29/2004	PRIORITY DATE 09/30/2003

CONFIRMATION NO. 3782  
371 FORMALITIES LETTER



\*OC000000022895580\*

Date Mailed: 03/15/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/30/2006
- Copy of the International Search Report filed on 03/30/2006
- Copy of IPE Report filed on 03/30/2006
- Copy of Annexes to the IPER filed on 03/30/2006
- Biochemical Sequence Listing filed on 03/30/2006
- U.S. Basic National Fees filed on 03/30/2006
- Priority Documents filed on 03/30/2006
- Specification filed on 03/30/2006
- Claims filed on 03/30/2006
- Abstracts filed on 03/30/2006
- Drawings filed on 03/30/2006
- Paper nucleotide sequence listings filed on 03/30/2006

MSP/SEQ/IDS: 15MY/2007

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$525, as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1140** for a Small Entity:

- **\$65 Surcharge.**
  - This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- The specification and drawings contain more than 100 pages. Applicant owes **\$250** for 89 pages in excess of 100 pages for a small entity in compliance with 37 CFR 1.27.
- The application search fee has not been paid. Applicant must submit **\$200** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 525**
  - **\$525** for 21 total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT. 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,084	PCT/DK04/00659	BOCK9

FORM PCT/DO/EO/905 (371 Formalities Notice)